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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
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11 MARIA MACEDO, an individual,

12 Plaintiff,

13 vs.

14 SANTA ANA POLICE  
15 DEPARTMENT OFFICER DAVID  
PREWETT, an individual, and DOES 1  
16 through 10, inclusive,

17 Defendants.  
18

19 AND ALL RELATED ACTIONS.

Case No.: SACV17-0897 CJC (JDEx)

**PROTECTIVE ORDER  
COVERING ORANGE COUNTY  
DISTRICT ATTORNEY'S OFFICE  
INVESTIGATIVE REPORT AND  
PEACE OFFICER PERSONNEL  
RECORDS**

20 IT IS HEREBY ORDERED, following stipulation of counsel, as follows:

21 1. This lawsuit arises out of the officer-involved shooting of Decedent  
22 Steve Salgado on January 29, 2017. Following the shooting, the Orange County  
23 District Attorney's ("OCDA") office conducted an investigation into the shooting.  
24 The OCDA's investigative report concerning the shooting contains numerous  
25 police reports, witness statements, reports of evidence analysis prepared by the  
26 Orange County Crime Lab, records of decedent Steve Salgado, the criminal history  
27 index of the decedent, among other items (collectively, "OCDA Report").

1           2.     After this action was filed, the plaintiffs propounded a Request for  
2 Production of Documents on the City of Santa Ana in this action seeking, among  
3 many other things, documents contained within the investigative file of the Orange  
4 County District Attorney's office, as well as certain records within the personnel  
5 file of Officer David Prewett (which the defendants maintain are also confidential  
6 and privileged).

7           3.     In light of the assertion of privilege and privacy by the defendants, the  
8 following proposed protective order to govern the documents identified in  
9 paragraphs 1 and 2 above (collectively referred to as "Protected Documents"):

10                               **PROPOSED PROTECTIVE ORDER**

11           The Protected Documents shall be subject to this Protective Order as  
12 follows.

13           1.     All documents produced by the City of Santa Ana that compromise  
14 the Protected Documents will be clearly designated as "CONFIDENTIAL" and be  
15 placed in an envelope labeled as such prior to the disclosure. The  
16 "CONFIDENTIAL" designation shall be placed on the printed pages of the  
17 Protected Documents in a manner that does not overwrite or make illegible the text  
18 of the document.

19           2.     Each person receiving any of the Protected Documents shall not  
20 disclose to any person or entity, in any manner, including orally, any of the  
21 Protected Documents or any of the information contained therein, except when  
22 used for purposes of this litigation pursuant to this protective order.

23           3.     The Protected Documents and all information contained therein, may  
24 only be disclosed to the following "qualified" persons:

- 25           (a)     Counsel of record for the parties to this civil litigation;  
26           (b)     Defendant City of Santa Ana and its employees, including, but not  
27 limited to Officer David Prewett;

1 (c) Paralegal, stenographic, clerical and secretarial personnel regularly  
2 employed by counsel referred to in subparagraph (a); and, investigators, expert  
3 witnesses and other persons legitimately involved in litigation-related activities for  
4 the counsel of record; and

5 (d) Court personnel, including stenographic reporters engaged in such  
6 proceedings as are necessarily incidental to preparation for the trial of this action.

7 (e) With the exception of the Court and court personnel (who are subject  
8 only to the Court's internal procedures regarding the handling of material filed or  
9 lodged, including material filed or lodged under seal), all persons receiving a copy  
10 of the Protected Documents shall, before receiving such protected information, be  
11 given a copy of this Protective Order and a compliance agreement and shall  
12 execute the compliance agreement, and return the original of the compliance  
13 agreement to the attorney who gives him/her the protected information. It shall be  
14 the responsibility of the respective attorneys to distribute compliance agreements,  
15 and then collect and maintain custody of the executed originals of the compliance  
16 agreements.

17 4. To the extent any portion of the Protected Documents contains an  
18 audio recording, transcript and/or summary of a statement and/or report given to  
19 the OCDA by an independent witness who does not fall within one of the  
20 categories described in Paragraph 3 above, that selected portion of the Protected  
21 Documents may be provided to the particular witness to which it pertains.

22 5. The Protected Documents may be disclosed to the Court and court  
23 personnel, in connection with this litigation. Portions of the Protected Documents  
24 that a party intends to use in support of or in opposition to a pre-trial filing with the  
25 Court must be filed in accordance with the Central District of California Local  
26 Rules relating to under seal filings, including Local Rule 79-5. Counsel intending  
27 to use documents from Protected Documents must both (a) apply to submit

1 unredacted documents containing any portion of the Protected Documents under  
2 seal and (b) file public versions of the same documents with the information from  
3 the Protected Documents redacted.

4 6. In the event this matter proceeds to trial, to the extent that any of the  
5 Protected Documents are offered into evidence, those documents will become  
6 public, unless sufficient cause is shown in advance of trial to proceed otherwise.

7 7. The court reporter, videographer, and audiographer, if any, who  
8 record all or part of any future deposition(s) in this matter, which include the  
9 Protected Documents or descriptions thereof, shall be subject to this Order and  
10 precluded from providing any portions of the original deposition videotape,  
11 audiotape, or exhibits which relate to the Protected Documents or information to  
12 any persons other than counsel of record, absent order of the court.

13 8. Those attending any future deposition(s) shall be bound by this Order  
14 and, therefore, shall not disclose to any person or entity, in any manner, including  
15 orally, any documents from the Protected Documents made by such person during  
16 the course of said depositions.

17 9. At any future deposition(s), should there be persons in attendance  
18 who are not authorized to access to the Protected Documents or information, such  
19 persons shall be removed from the deposition room at any time information  
20 relating to the Protected Documents or protected information is disclosed or  
21 discussed.

22 10. The Protected Documents shall be used solely in connection with the  
23 preparation and trial of this action (and the consolidated action), entitled Maria  
24 Macedo v. City of Santa Ana, et al., bearing case number SACV17-0897 CJC  
25 (JDEx), or any related appellate proceeding, and not for any other purpose,  
26 including, without limitation, any other litigation or administrative proceedings or  
27 any investigation related thereto.

11. This Order may not be modified unless by written consent of the parties and approval of the Court. Any party may move for a modification of this Order at any time. Upon receipt and review of the documents produced pursuant to this protective order, any party may move to remove the confidential designation of any document after meeting and conferring with opposing counsel and pursuant to the procedures governing discovery motions set forth in Local Rule 37.

12. This Order is made for the purpose of ensuring that the Protected Documents will remain confidential, unless otherwise ordered by the Court or in response to a successful motion by a party made pursuant to Paragraph 11.

13. At the conclusion of this litigation, upon request of defense counsel, plaintiff's counsel shall return the Protected Documents to Jill Williams, Esq., Carpenter, Rothans & Dumont, 500 S. Grand Avenue, 19th Floor, Los Angeles, California 90071. Alternatively, the receiving parties and every other person and/or entity who received originals or copies of the protected information may destroy all such material and material derived therefrom within 30 calendar days after the conclusion of this case. Additionally, within thirty 30 calendar days after the conclusion of this case, counsel for the receiving parties shall send a signed declaration stating that such material has been destroyed pursuant to this Protective Order.

14. Nothing in this Order shall be construed as authorizing a party to disobey a lawful subpoena issued in another action.

## GOOD CAUSE

The parties submit that GOOD CAUSE exists to enter the proposed protective order to balance the defendants' concerns that the documents consist of police reports and private information concerning the parties to this litigation, as well as individuals who are not parties to this litigation, as protected by the official

1 information privilege, law enforcement privilege and the right to privacy, as  
2 protected by the California and United States Constitution, with plaintiffs' right to  
3 discovery in this litigation. The parties agree that all documents marked  
4 confidential and produced pursuant to this protective order are subject to the terms  
5 of this protective unless otherwise ordered by the Court.

6 IT IS SO ORDERED.

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8 DATED: May 17, 2018

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11 JOHN D. EARLY  
12 United States Magistrate Judge  
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